

MESSAGE NO: 8303205 MESSAGE DATE: 10/29/2008

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 7312203
MESSAGE #
(s):

CASE #(s): A-570-504

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 08/01/2007 TO 07/31/2008

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: NON REVIEW LIQUIDATION INSTRUCTIONS FOR PETROLEUM WAX CANDLES
FROM CHINA (A-570-504)

MESSAGE NO: 8303205

DATE: 10 29 2008

CATEGORY: ADA

TYPE: LIQ

REFERENCE: 7312203

REFERENCE DATE: 11 08 2007

CASES: A - 570 - 504

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PERIOD COVERED: 08 01 2007 TO 07 31 2008

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: NON REVIEW LIQUIDATION INSTRUCTIONS FOR PETROLEUM WAX
CANDLES FROM CHINA (A-570-504)

1. THE DEPARTMENT OF COMMERCE ("THE DEPARTMENT") DOES NOT AUTOMATICALLY CONDUCT ADMINISTRATIVE REVIEWS OF ANTIDUMPING FINDINGS/DUTY ORDERS. INSTEAD, REVIEWS MUST BE REQUESTED IN ACCORDANCE WITH SECTION 351.213 OF THE COMMERCE DEPARTMENT REGULATIONS.

2. THE DEPARTMENT HAS NOT RECEIVED A REQUEST FOR AN ADMINISTRATIVE REVIEW OF THE ANTIDUMPING DUTY ORDER FOR THE PERIOD AND ON THE MERCHANDISE LISTED BELOW. THEREFORE, IN

ACCORDANCE WITH SECTION 351.212(c) OF DEPARTMENT OF COMMERCE REGULATIONS, YOU ARE TO ASSESS ANTIDUMPING DUTIES ON MERCHANDISE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION AT THE CASH DEPOSIT OR BONDING RATE IN EFFECT ON THE DATE OF ENTRY.

3A. ON OCTOBER 6, 2006, THE DEPARTMENT PUBLISHED ITS AFFIRMATIVE FINAL DETERMINATION OF THE LATER DEVELOPED MERCHANDISE ANTICIRCUMVENTION INQUIRY ("LDM DETERMINATION" OF THE ANTIDUMPING DUTY ORDER ("ORDER") ON PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA ("PRC")(71 FR 59075). IN THE LDM DETERMINATION, THE DEPARTMENT FOUND THAT MIXED WAX CANDLES DEFINED TO BE CANDLES CONTAINING PETROLEUM WAX AND OVER FIFTY PERCENT PALM AND/OR OTHER VEGETABLE OIL BASED WAXES ("MIXED WAX CANDLES") FROM THE PRC ARE SUBJECT TO THE SCOPE OF THE ORDER.

3B. IN MESSAGE NO. 6286202 TO U.S. CUSTOMS AND BORDER PROTECTION ("CBP"), THE DEPARTMENT INSTRUCTED CBP TO SUSPEND LIQUIDATION OF ALL ENTRIES FROM ALL COMPANIES OF MIXED WAX CANDLES THAT MEET ALL THE REQUIREMENTS FOR THE MERCHANDISE SUBJECT TO THE ORDER, AND WHICH WERE ENTERED, OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION ON OR AFTER FEBRUARY 25, 2005, WHICH IS THE DATE OF INITIATION FOR THE LDM DETERMINATION.

3C. BETWEEN NOVEMBER 7 AND 28, 2006, THE COURT OF INTERNATIONAL TRADE ("CIT") ISSUED FIVE PRELIMINARY INJUNCTIONS ENJOINING LIQUIDATION OF CERTAIN UNLIQUIDATED ENTRIES OF MIXED WAX CANDLES WITH RESPECT TO 10 COMPANIES. ACCORDINGLY, THE DEPARTMENT ISSUED FIVE PRELIMINARY INJUNCTION INSTRUCTIONS TO CBP BETWEEN NOVEMBER 13, 2006, AND DECEMBER 4, 2006, REQUESTING CBP TO ENJOIN LIQUIDATION OF THOSE ENTRIES. SEE MESSAGE NO. 7045207, WHERE THE DEPARTMENT IDENTIFIED THE CBP MESSAGE NUMBERS FOR ALL THE PRELIMINARY INJUNCTION INSTRUCTIONS TO ENJOIN LIQUIDATION OF CERTAIN UNLIQUIDATED ENTRIES OF MIXED WAX CANDLES WHICH WERE ENTERED, OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION ON OR AFTER FEBRUARY 25, 2005.

3D. THE CIT ALSO ISSUED AN ADDITIONAL PRELIMINARY INJUNCTION ENJOINING LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE WHICH WERE EXPORTED BY DESEADO INTERNATIONAL, LTD. AND WHICH WERE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 08/01/2005 THROUGH 07/31/2006. SEE MESSAGE NO. 7312203.

4. EXCEPT FOR THOSE ENTRIES OF MIXED-WAX CANDLES COVERED BY THE CIT'S PRELIMINARY INJUNCTIONS, AS STATED IN MESSAGE NO. 7045207, PARAGRAPH 5, AND EXCEPT FOR THOSE ENTRIES OF PETROLEUM OR MIXED-WAX CANDLES COVERED BY THE CIT'S PRELIMINARY INJUNCTIONS, AS STATED IN MESSAGE NO. 7312203, PARAGRAPH 3, FOR ALL OTHER SUSPENDED ENTRIES OF PETROLEUM WAX CANDLES, INCLUDING MIXED-WAX CANDLES, FROM THE PRC-WIDE ENTITY (A-570-504-000), ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE

PERIOD AUGUST 1, 2007, THROUGH JULY 31, 2008, LIQUIDATE ALL ENTRIES FOR ALL FIRMS.

5. NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD 08/01/2007 THROUGH 07/31/2008) OCCURRED WITH THE PUBLICATION OF THE NOTICE OF INITIATION OF ADMINISTRATIVE REVIEW (73 FR 56795, 09/30/2008). YOU SHALL CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR SUBSEQUENT ENTRIES OF THE SUBJECT MERCHANDISE AT THE CURRENT RATES.

6. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CUSTOMS AND BORDER PROTECTION ON SHIPMENTS OR ENTRIES OF THIS MERCHANDISE IS

SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS OR ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED

FROM THE DATE OF PAYMENT OF ESTIMATED ANTIDUMPING DUTIES THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

7. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF THE COMMERCE DEPARTMENT REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION OF THE ENTRY. IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE MANUFACTURER, PRODUCER, SELLER, OR EXPORTER TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O9:AV).

9. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

DAVID M.GENOVESE

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party